

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. No.M- 5015 of 2017(O&M)

Date of Decision: January 16 , 2018.

Mohit

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

LISA GILL, J.

This is the petitioner's third application seeking anticipatory bail in FIR No.243 dated 07.11.2014 under Sections 376/380/323/342/363/366A/120B IPC, registered at Police Station Salem Tabri, Ludhiana.

The abovesaid FIR was registered on the statement of the complainant i.e., father of the victim to the effect that his daughter, who was a minor aged 17 years, was discovered to be missing from their residence on 07.11.2014. She was allured by the petitioner, one Rohit Kumar and Naveen Sandhu. Accordingly, the FIR under Sections 363/366A/120B IPC was registered. The present petitioner Mohit filed CRM No.M-44009 of 2015 seeking

the concession of anticipatory bail, which was afforded to him on 26.03.2015 (Annexure P3). Offences punishable under Sections 376/380/323/342 were added thereafter. The petitioner again approached this Court by way of CRM No.M-27700 of 2015. The said petition was dismissed vide detailed order dated 14.09.2015 (Annexure P4). SLP No.9090 of 2015 filed by the petitioner against the said order was also dismissed. The petitioner did not submit to the process of law and he was declared to be a proclaimed offender on 18.11.2016 (Annexure R2/1).

However without disclosing the fact of the petitioner being declared a proclaimed offender, the present petition seeking anticipatory bail in respect to the added offences was filed on the ground that the co-accused Des Raj etc. had been granted anticipatory bail. Therefore, on account of the said changed circumstances bail be afforded to him. This fact was pointed out during the pendency of this case by learned counsel for the complainant.

Learned counsel for the petitioner submits that the present is a case of run-away marriage. The alleged victim is his legally wedded wife. She has not applied for nullity of marriage. The petitioner had filed a petition under Section 9 of the Hindu Marriage Act, 1955, which is still pending. It is stated that petitioner was not aware of the passing of order dated 18.11.2016 declaring him to be a proclaimed offender, therefore this fact could not be brought to the notice of this Court.

The present petition seeking anticipatory bail is not maintainable. Application seeking anticipatory bail in respect to the added offences was specifically dismissed by this Court vide a detailed order 14.09.2015 (Annexure

P4). SLP filed by the petitioner against the said order was dismissed as well. The petitioner was declared a proclaimed offender but this fact was not even brought to the notice of the Court by him. Grant of bail to the co-accused, who are otherwise not similarly situated, is of no avail to the petitioner in the facts and circumstances of this case. Argument of learned counsel for the petitioner that the victim has not filed a petition declaring their marriage to be a nullity after attaining majority, therefore, the same constitutes fresh ground to file the present petition, is indeed fallacious, untenable hence, rejected.

In view of the facts and circumstances as above, this petition is dismissed.

January 16 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No